IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 9923 of 2007

DATED: 20.7.2007

Between:

Moluguri Bhagya Laxmi Alias Nirmala Ratnam
petitioner

And

The District Collector,
Warangal dist & 2 ors
Respondents

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ORAL ORDER:

This writ petition is filed questioning the action of the first respondent in not ratifying the appointment of the petitioner as an Anganwadi worker, Peddapur, Warangal district as illegal and arbitrary.

In terms of the proposal for appointment of Anganwadi workers in Anganwadi center, Peddapur village, the petitioner submitted his application. The third respondent vide letter No.A/4/2007 dated 9.4.2007 appointed anganwadi workers including the petitioner herein and directed them to obtain appointment orders from the first respondent and to submit their joining reports at their respective places of posting.

The petitioner is stated to have approached the first respondent on 10.4.2007 and requested to issue the appointment letter, however, the first respondent refused to issue appointment letter on the ground that certain complaints were received against the petitioner. Hence, the present writ petition.

A detailed counter affidavit is filed on behalf of the third respondent admitting that the petitioner attended the interview on 8.3.2007 for the post of Anganwadi worker and the Divisional

Selection committee has selected 36 candidates, including the petitioner and submitted the list of selected candidates to the District Collector, Warangal. Meanwhile, the Revenue Divisional Officer, who happens to be the Chairman of the Divisional Selection Committee directed the Child Development Project Officer, Mulugu to exhibit list of 29 candidates only, on the ground that he has received complaints against the remaining seven candidates. Based on the said complaints, the Tahasildar of Venkatapur mandal was appointed as Enquiry Officer, to conduct enquiry into the matter. On conducting the enquiry, the Tahasildar submitted enquiry report vide letter dated 22.4.2007 stating that the petitioner and her husband do not have any relatives in the village and they are not native of Peddapur village. Based on the said report, the Revenue Divisional Officer addressed a letter dated 26.4.2007 to the District Collector stating that the petitioner is not the Daughter-in-law of Peddapur village and has migrated from Jadalpet village of Chityala Mandal and requested to cancel the appointment of the petitioner as Anganwadi worker for Peddapur –I Anganwadi center. It is admitted that the petitioner has performed well in the oral/personal test and is eligible in all other aspects, except condition no.7 of the circular guidelines dt 1.2.2007 which prescribe that the candidate must be a daughter-in-law of the village but she could not be appointed since she is not native of the village and is ineligible in terms of the guidelines issued vide circular dated 1.2.2007.

Learned counsel for petitioner submitted that petitioner belongs to Schedule Caste community and is residing in Peddapur village for last five years and owns a house property in the village and her husband is working as a Medical Practitioner in the village, and she performed well in the interview and having interest in doing service to

the children and except with regard to nativity she fulfills all the qualifications and entitled to appointment to the post of Anganwadi worker.

On the other hand, learned Government Pleader for Women Development and Child Welfare, submitted that since the petitioner does not fulfill condition no.7 of the circular guidelines dated 1.2.2007 she is not entitled for appointment to the post of Anganwadi worker.

Heard the learned counsel for petitioner and learned Government Pleader for Women Development and Child Welfare.

Based on the complaints with regard to nativity of the petitioner, an enquiry was conducted by the Tahasildar, wherein it was found that the petitioner is residing in Peddapur village for the last 5 years, her husband is working as Private Medical Practioner in the village and two years back they purchased a house in the village and do not have any relatives and are not natives of Peddapur village. Thus, it is clear that the petitioner is a migrant and not native of Peddapur village and does not fulfill condition no.7 of circular guidelines dated 1.2.2007 which prescribe that the candidate must be daughter-in-law of the village. Hence, the action of the respondents in not appointing her cannot be found faulted with.

At this stage, learned counsel for petitioner submitted that the petitioner intends to make a representation to the first respondent/District Collector to consider her case on the ground that she is permanent resident of the village and is the only schedule caste candidate fulfilling all other requisite conditions.

In view of the above, the writ petition is disposed of, permitting the petitioner to make a representation to the District Collector and if any such representation is made the first respondent is at liberty to consider and dispose of the same in accordance with law.

Accordingly, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

DATE: 20.7.2007
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